

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, JUNE 1, 2004.

Board Members Present: *John F. Coates, Chairman*
Steven L. Walker, Vice-Chairman
William C. Chase, Jr.
Sue D. Hansohn
James C. Lee
Steven E. Nixon
Brad C. Rosenberger

Staff Present: Frank T. Bossio, County Administrator
J. David Maddox, County Attorney
Valerie H. Lamb, Finance Director
John C. Egertson, Planning Director
Paul Howard, Director of Environmental Services
Peggy S. Crane, Deputy Clerk

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 10:00 a.m.

INVOCATION

Rev. Marshall Braylo, Pastor, Jeffersonton Baptist Church, presented the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Nixon led the members and the audience in the Pledge of Allegiance to the flag.

RE: APPROVAL OF AGENDA - ADDITIONS AND/OR DELETIONS

Frank Bossio, County Administrator, asked that the amount of \$10,800.00 shown in sub-item b. of the **CONSENT AGENDA** be changed to "\$11,200.00".

Mr. Nixon moved, seconded by Mr. Lee, to accept the agenda as amended.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: MINUTES

The minutes of the April 20, 2004 public hearing, April 27, 2004 extended meeting and May 4, 2004 regular meetings were presented to the Board for approval.

Mr. Walker moved, seconded by Mrs. Hansohn, to approve the minutes as submitted.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CONSENT AGENDA

Mr. Bossio reviewed the following Consent Agenda items with the Board:

- a. The Board will consider approving a budget amendment for the Building Official's Department for additional estimated expenditures through June 30, 2004 in the amount of \$20,000; and
- b. The Board will consider accepting a grant for the Sheriff's Office from the U. S. Department of Justice for a Bulletproof Vest Partnership Program Grant and appropriate the funds in the amount of ~~\$10,800.00~~ \$11,200.00. Federal funds \$5,600.00 with a local match of \$5,600.00 from the Sheriff's operating budget;

Mrs. Hansohn moved, seconded by Mr. Lee, to approve the Consent Agenda as amended.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

GENERAL COUNTY BUSINESS

RE: INTRODUCTION OF NEW VDOT DISTRICT ADMINISTRATOR

Donald Gore, VDOT Resident Engineer, introduced Morteza Salehi, new District Administrator. Mr. Salehi provided information on his work experience with VDOT in Northern Virginia and stated that he was looking forward to working with the Board.

RE: AWARD OF CONTRACT FOR RESTORATION OF PORTRAITS

Alan Culpeper, Director of Procurement, informed the Board that at the direction of the Portrait Committee, an invitation to bid had been issued for the restoration of 20 of the 21 County-owned portraits located in the Courthouse and Culpeper Historical Museum. He asked for the Board's approval to award the contract to Alexandra Tice Studios not to exceed \$28,814.

Mr. Lee pointed out that Ms. Tice had asked to be relieved of certain insurance obligations and inquired whether the County's insurance company had been advised of this request.

Dave Maddox, County Attorney, stated that the Portrait Committee had acceded to Ms. Tice's request since she had adequate coverage and did not want to be covered by workmen's compensation. He said he was not sure whether Ms. Tice requested any other

items to be changed. Mr. Coates asked the County Attorney to check further during the recess and report back later during the meeting.

RE: UPDATE ON AMERICAN RED CROSS ACTIVITIES

Charles Snyder, Board member, Culpeper/Madison Chapter of the American Red Cross, provided the Board with background information on the local chapter whose principal responsibility is to provide human services support for immediate shelter and sustainment of people following both small and mass disasters ranging from fires to hurricanes. He said the local chapter had been in existence in Culpeper County since World War I and combined with Madison County several years ago. He briefed the Board on local chapter activities, such as operating the Armed Forces Emergency Communications Service systems in the two county area, providing information and referral of people in need of help, handling blood services, and training and educating the public in CPR, first aid, swimming, and baby sitting.

Mr. Snyder stated that the Chapter worked collaboratively with Tom Williams, Emergency Management Director, during Hurricane Isabel last year in opening and operating the shelter at Culpeper Middle School. He noted that he was working with Mr. Williams to develop an infrastructure of material and equipment to expand the capabilities and operations of the County shelter, as well as to improve the Chapter's 24/7 communication capability with the County. He added that the Chapter was the only non-first responder emergency organization in this County which maintained a 24/7 capability responsible for taking care of human needs in the event of displacement of people.

Mr. Snyder indicated that the Chapter worked with a modest budget of approximately \$60,000, with a part-time Executive Director and a rented office in the center of Town. He stated that the Chapter operated on community funding and resources, including internal fundraising, corporate and private donors, the Piedmont United Way, and special fundraising activities during disasters, but the greater amount of income came from fees charged for the provision of training and education services. He noted grant sources were being pursued, as well as new opportunities with the County, in order to sustain the level of services being offered and to develop a physical capitalized equipment infrastructure for emergency services for the operation of the County shelter.

Mr. Walker asked whether it was important to have visibility on Main Street. Mr. Snyder assured him that it was essential to be openly visible and readily available for walk-

in traffic. He noted that the Chapter received a reduced rate on its rent in exchange for volunteers' providing modifications and improvements to the structure.

Mrs. Hansohn said she noticed in the annual report, that the local Chapter was not funded by the National Red Cross. Mr. Snyder stated that was correct and, in fact, the local Chapter pays a small stipend of approximately \$100-\$200 each year to the National Red Cross to cover administrative materials and national level operational interface.

Mr. Coates expressed his appreciation for the Red Cross's activities in the community and its efforts during Hurricane Isabel. He said that he and Mr. Walker visited the school on the evening of Hurricane Isabel and it was well manned. He asked Mr. Snyder why he had not approached the Board during the budget process to address the shortfall in revenue.

Mr. Snyder replied that the local Chapter had hoped it would not be necessary with the upswing in the economy, anticipated donations from the corporate level and fundraising operations that were specific to Madison County, but it had become evident based on circumstances through the first half of this year and the end of last year, that the Chapter needed to go beyond the scope of private and individual and community type fundraising and look at new opportunities for collaboration for funding, especially where roles of the services provided overlap the needs of the County and Town governments.

Mr. Lee asked about the scope of the American Red Cross's fiscal year. Mr. Snyder replied that the fiscal year ran July 1 through June 30. Mr. Lee asked that a copy of the current fiscal year report be provided to the Board when it became available in order to evaluate available options to assist the Chapter. Mr. Snyder assured him it should be available by mid-July.

Mr. Coates inquired about the level of funding being requested. Mr. Snyder replied that it was in the \$10,000 range.

After discussion, Mr. Coates reported it was the consensus of the Board to have the County Administrator review the request and make a recommendation to the full Board. Mr. Bossio stated he would follow the established financial policy for consideration of requests for funding prior to making a recommendation to the Board.

Mr. Snyder thanked the Board for its time and consideration.

RE: PRESENTATION ON SUMMER DAY CAMP 2004

Susan Hensley, Program Coordinator, Culpeper County Day Care, briefed the Board on the Kid Central 2004 Day Camp. She also provided information on the before and after

school programs at each of the five elementary schools where child care was provided every day of the school week and during teachers' work days and school holidays. She stated that time was provided for homework, a theme class introducing the children to various topics, sports, organized games and special social events. She said there were 600-plus children enrolled in the before and after school program, with an average daily attendance of 350. She noted that this summer's day camp theme was "Great American Legends" and described the various learning experiences that would be offered, as well as the many activities, such as swimming, skating, and other sports, library time, arts/crafts, and special trips for fun and educational purposes. She said the camp would be housed at Culpeper Middle School from 6:30 a.m.– 6:30 p.m., June 14 through August 20. She stated that child care would be provided when needed and a 9:00 a.m. – 3:00 p.m. camp would be offered for those who would not need child care. She indicated that a grant had been received to fund 20 to 25 scholarships for children in single-parent homes to assist in meeting increased costs during the summer. She said that 20 students in the High School Career Academy had been hired to work this summer either with Kid Central or the preschool Bridges program.

Miss Hensley reported that many community organizations assist Kid Camp in providing special programs/activities; namely, the Windmore Foundation, Early Childhood Workgroup, Manassas Dance Company, Department of Parks and Recreation, Culpeper Sheriff's Department, and Culpeper Cooperative Extension office.

Miss Hensley presented a plaque to the Board in appreciation of its eight years of support to Kid Central and the children of Culpeper County on behalf of Kid Central Director Dorinda Pullen.

Mr. Coates thanked Ms. Hensley for her presentation.

No action was necessary.

RE: POSSIBLE CHANGE TO ABSENTEE VOTER PRECINCT

Chuck Holmes, Electoral Board Secretary, thanked the Board for acquiring the new voting system which was used in the recent Town election. He noted that in excess of \$578 was saved during that election, and it was estimated that \$1,000 would be saved during future elections. He reported that the County would be receiving reimbursement for all of the funds incurred now that the Election Commission was in place.

Mr. Holmes informed the Board that he was requesting approval for the implementation of the second phase of the system required by Virginia Code § 24.2-101,

covering a Central Absentee Balloting (CAB) jurisdiction where all absentee ballots would be received, counted and recorded. He said that the establishment of a CAB required an ordinance of the governing body, and he envisioned prior to the election in November that the Board of Supervisors would adopt an ordinance designating the Office of the Registrar as a CAB, where a card reader could read and accept 1,000 absentee ballots in less than five minutes.

Mr. Maddox stated that he had been discussing this matter with Mr. Holmes, and he looked forward to working with him in preparing the necessary ordinance. He recommended that this be referred to the Rules Committee prior to Board action.

Mr. Coates asked Mr. Holmes if that procedure would be acceptable as far as the timing was concerned. Mr. Holmes replied that time frame would comply with the 60-day rule under section 5 of the Voting Rights Act.

RE: REQUEST FOR USE OF COMMUNITY COMPLEX SITE FOR CONSTRUCTION OF HIGH SCHOOL

Mr. Bossio recalled that the School Oversight Committee and Land Acquisition Subcommittee had been looking at sites for the new high school and had narrowed the site down to the Community Complex. He said that one of the Board's concerns was that the School Board had never officially asked for the use of the Community Complex for the construction site and correspondence had been received outlining that request.

Mr. Lee moved, seconded by Mr. Nixon, to approve the request of the School Board.

Mr. Maddox stated that before any disposition of County property, a public hearing would be required other than through a lease with the School Board. He said until the exact mechanism was decided upon, whether a lease, sale or other disposition, it would be appropriate for the Board to express its intent regarding the School Board's request.

Mr. Walker asked for clarification of the motion. Mr. Lee stated that the motion was to establish the Community Complex as the site for the high school.

Mr. Walker noted that the County Attorney had raised the issue of leasing the property. Mr. Maddox stated he had not raised the issue from the standpoint of making any recommendation, but to explain the requirements for a public hearing if a mechanism other than a lease were used.

Mr. Walker asked if it would be possible for the Board to lease the property to the School Board for a school. Mr. Maddox replied that in his opinion, it would be possible.

Mr. Coates asked Mr. Lee to restate his motion.

Mr. Lee stated that his motion was to declare the Board's intent to establish the Community Complex as the site for new high school.

Mr. Rosenberger suggested that the Board vote and then refer the issue to the Rules Committee to look at proper deposition or lease of the property prior to Board action.

Mr. Rosenberger called the question.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: CONSIDERATION OF POSTING SPEED LIMIT SIGNS ON A SECTION OF ROUTE 644

John Egertson, Planning Director, reported that Mr. Coates had received a request from a resident requesting a reduction of the speed limit on a portion of Route 644 near Route 608. He said that the decision would need to be made by VDOT and required a resolution from the Board. He said he had prepared a resolution to cover this request and asked that VDOT consider also placing an equestrian crossing or warning sign in this area. He noted that the area was heavily developed with the Riverbend and Seven Springs Subdivisions, and some minor divisions. He said that staff supported the resolution, and it was ready for the Board's consideration.

Mr. Nixon asked several questions regarding the speed limit on Route 644. Mr. Egertson stated that the speed limit on the road was set prior to the heavy development and, like most of the secondary roads in the County, was not posted which automatically meant 55 miles per hour. He noted he was not suggesting what the reduced speed limit should be, but felt that VDOT would consider a reduction to 45 miles per hour.

Mrs. Hansohn moved, seconded by Mr. Walker, to approve the resolution requesting VDOT change the speed limit on a section of Route 644 near Route 608.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Coates recessed the meeting at 10:50 a.m.

Mr. Coates called the meeting back to order at 11:05 a.m.

RE: AWARD OF CONTRACT FOR RESTORATION OF PORTRAITS – Continued

Mr. Coates asked the County Attorney to provide additional information on the contract to restore the County's portraits.

Mr. Maddox informed the Board that he and Mr. Culpeper met with Mr. Lee and reviewed the insurance documents provided by Ms. Tice. He said she had fine arts insurance coverage which would cover the portraits while in her possession, and they were comfortable with the contract as written.

Mr. Lee moved, seconded by Mr. Nixon, to award a contract to Alexandra Tice Studios for the restoration of portraits and frames not to exceed \$28,814.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: AWARD OF CONTRACT

Mr. Culpeper informed the Board that the County's radio system would require the construction of a 190-foot Public Safety Communication monopole to be located at the new Emergency Operation Center (EOC). He recommended that the contract be awarded to SBA Network Services at a cost of \$87,946, with the contingency that the construction of a 190-foot monopole was approved.

Mr. Chase questioned the height of the tower since the other towers were 360 feet. Mr. Culpeper stated that the 190-foot tower was not a transmitting/receiving antenna, but would be used to connect the microwave path and a higher tower would not be required for this purpose. Mr. Chase asked whether elevation had been considered. Mr. Culpeper assured him that the elevation required had been considered in order to make the appropriate connections.

Mr. Walker pointed out that timeliness was important because construction of the new EOC was contingent upon constructing this monopole. Mr. Culpeper agreed.

Mr. Chase inquired about transmitters. Mr. Culpeper replied the tower would provide connection of the microwave link from the Rixeyville tower to the EOC to the landfill, which would provide a loop configuration. Mr. Walker pointed out that the Cedar Mountain and Lignum towers were not mentioned. Mr. Culpeper explained that the loop configuration would go in a wheel motion from the landfill to the Mitchells site to Lignum, back to Fauquier County to the Rixeyville site and back to the EOC.

Mr. Coates noted that the tower was also on the evening agenda. Mr. Culpeper explained that he was asking for the Board's approval to award the contract to SBA Network Services contingent upon the Board's action at the evening meeting.

Mr. Nixon moved, seconded by Mr. Lee, to approve awarding the contract to SBA Network Services for \$87,946, contingent upon the Board's approval to build the tower.

Mr. Chase asked why both items could not be considered at the evening meeting. Mr. Culpeper and Mr. Bossio provided background on the necessity to approve the contract because of timing issues. Mr. Maddox explained that a public hearing was required at the evening meeting for approval of a use permit to install the tower, but a public hearing was not required prior to awarding the contract.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

NEW BUSINESS

COMMITTEE REPORTS

BUILDING & GROUNDS COMMITTEE/MAY 11, 2004/8:00 A.M.

Mr. Lee reported that the Building & Grounds Committee met and asked Paul Howard, Environmental Services Director, to report on bids received for the construction of the Emergency Operations Center (EOC).

Mr. Howard reported that the Buildings & Grounds Committee considered the five bids received for construction of the EOC and recommended the contract be awarded to C. L. Lewis Contracting, Inc., at \$1,137,490, with costs to be shared between the County and Town (County's share, \$780,441; and Town's share, \$357,048).

Mr. Lee moved, seconded by Mrs. Hansohn, to award the contract to C. L. Lewis for \$1,137,490.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

See Attachment #1 for details of meeting.

RULES COMMITTEE/MAY 11, 2004/9:00 A.M.

Mr. Walker reported that the Rules Committee met and had several items requiring Board action.

Carl Sachs, Economic Development Director, informed the Board the Rules Committee considered a resolution to support Structural Systems, located in the former Keller building, who was seeking a Railroad Industrial Access Program grant from the Virginia Department of Rail and Public Transportation to expand the rail siding to its facility

in order to bring in raw materials. He said that under this program, the company could possibly receive from the State up to \$450,000 with \$150,000 local private business match, but the application required a resolution of support from the local government.

Mr. Walker stated that the motion from the Rules Committee was to adopt the resolution with minor changes in the last paragraph as suggested by the County Attorney.

Mr. Walker moved, seconded by Mr. Lee, to approve the resolution of support as amended.

Mr. Coates asked whether the Town had any involvement. Mr. Sachs replied that the Town was concurrently considering a similar resolution of support.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Walker stated the Rules Committee considered and recommended Board approval of a new medical health insurance renewal plan. He recalled that several months ago, Palmer & Cay had performed a total compensation study for the County and School System, and among the findings was that County employees with dependents paid a larger percentage for family coverage. He said the new plan would address that issue and add a new tier for "employee plus children" without a spouse, to address a shortfall identified by the Palmer & Cay study. He noted that the plan would bring the County in line with the School System by requiring employees to pay a \$35.94 per month co-insurance premium.

Mr. Walker moved, seconded by Mr. Lee, to approve the proposal health insurance renewal plan.

Mr. Coates expressed his concern that all County and School Board employees were not being treated the same and pointed out that the School Board paid for insurance coverage for retired teachers and the County did not pay for insurance for its retired employees.

Mr. Bossio stated it was a School Board decision to pay for retired teachers' health insurance, but the insurance premium and coverage would apply equally across the Board.

Mr. Coates stated that the issue was that all County employees were not being treated equally, and it should be corrected. He said that approximately a quarter of a million dollars per year was involved and it should be addressed.

Mr. Walker agreed with Mr. Coates, but pointed out that health insurance coverage was being considered and not the funding mechanism. He said it might be an issue when

discussing appropriations, but not the actual health insurance plan unless it was possible not to cover a group of individuals under the plan.

Mr. Bossio stated that the School Board had extended health insurance coverage to a unique group of people as a body, but it would not affect this policy or its renewal. He noted that the rates had been reduced to a reasonable 5 percent increase. He said he believed it might be a question to ask at the budget appropriation hearing, but there was nothing to be done here during discussion of the renewal of coverage.

Mr. Coates stated that it was an issue that needed to be resolved and this was the appropriate time for a discussion.

Mr. Nixon pointed out that if the Board approved these insurance rates, the amount being paid out to retired teacher would affect the base rate for everyone concerned. He said it was his understanding that each retired teacher was being reimbursed the amount of his/her personal insurance only, not the family plan or member constituent or child. Mr. Bossio stated that was his understanding.

Mr. Walker asked if the County had the ability to exclude any members or groups from its policy. Mr. Bossio stated he would need outside help in answering that question.

Cindy Dixon, Marsh Consultant, came forward and asked for clarification of the question.

Mr. Walker explained that there was a select group of retired teachers that the School Board has selected to allow to receive single coverage health benefits after retirement, and the question was whether the County could exclude any group from coverage under its policy.

Ms. Dixon stated that the retirees could be excluded from the policy because eligibility could be defined based on anything tied to employment, and eligibility rules could be established based on active and retired, active only, etc. She said the cost of the plan was based on the participants now in the plan, and, the cost could potentially change when eligibility and enrollment were changed.

Mr. Coates pointed out there were two government bodies involved and the School Board had the authority to do certain things, but the money came from the County and the County was appropriating and paying premiums for a specific group of individuals. He said the payment represented one cent in the County's tax and he would like for it to be phased out.

Mr. Nixon asked whether the School System and County employees were considered as one group or two groups. Ms. Dixon replied they were considered as one group. Mr. Nixon pointed out that under Section 125, everyone had to be considered equally if they were in the same group and a select group of employees could not be given a benefit that everyone else did not receive. Ms. Dixon stated that benefits could still be defined based on job-related criteria and that was allowed under Section 125.

Susanne Taylor, Human Relations Director, pointed out that the School System and the County organization had two different tax ID numbers and each was a subgroup, but were covered under one umbrella policy.

Mr. Chase stated he believed that the retired teachers should be permitted to stay in the program but they should pay their own premiums.

Ms. Taylor stated that it was her understanding that at the time the County and School Board entered into a joint contract, there was a grandfathered provision already in place that covered retired teachers.

Mr. Walker said he wanted it to be clear that if the Board wanted to change terms of the policy, it would have to go through a entire new rating process. He felt that the County was fortunate in having only a five percent increase in health benefits, and it would be advantageous for the Board to look at the issue prior to next year's plan. He said that Rules Committee recommended approving the new health insurance plan.

Mr. Chase stated that the plan itself was not under discussion, but who would be paying the premiums was the issue.

Mr. Lee questioned whether the premium would be affected if the particular group were removed from the policy since the potential risk would be less and the rates should be reduced instead of increasing. Ms. Dixon agreed that the premium was based on actual experience and theoretically coverage for retirees could raise the cost of rating.

Mr. Coates thanked staff who worked on the health insurance renewal and agreed that a five percent increase could easily be absorbed, but his point was that all employees in the County should be treated equally.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

See Attachment #2 for details of meeting.

PUBLIC WORKS COMMITTEE/MAY 11, 2004/11:30 A.M.

Mrs. Hansohn reported that the Public Works Committee met and discussed an increase in the solid waste disposal fees. She said that BFI's disposal fees had increased by the Consumer Price Index each year, but the County's tipping fees had remained the same since 1994. She stated that the Committee reviewed the fees of surrounding counties and recommended that tipping fees be increased.

Mrs. Hansohn moved, seconded by Mr. Walker, to increase the landfill tipping fee to \$45 per ton effective July 1, 2004, and to institute the Consumer Price Index for future years.

Mr. Howard was present to provide additional information if necessary.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

See Attachment #3 for details of meeting.

PERSONNEL COMMITTEE/MAY 14, 2004/9:30 A.M.

Mr. Lee reported that the Personnel Committee met and discussed a County Engineer position, as well as job requirements and tasks to be performed. He said that the Committee unanimously recommended to the full Board that a County Civil Engineer position be established.

Mr. Lee moved, seconded by Mrs. Hansohn, to approve a County Civil Engineer position.

Mr. Coates inquired regarding the type of civil engineer being sought and whether a P.E. would be required. Mr. Bossio stated a civil engineer with structural experience would be recruited and he/she would be required to have a P.E.

Mr. Nixon asked whether the civil engineer would be a part of an existing or new department. Mr. Bossio stated the position would be located in the Department of Environmental Services, but would be used by other departments, including the School System, if necessary.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

See Attachment #4 for details of meeting.

E-9-1-1 BOARD OF DIRECTORS/MAY 20, 2004/7:30 A.M.

Mrs. Hansohn stated that she was not present at the May 20th meeting of the E-9-1-1 Board of Directors and asked Mr. Bossio if there were any action items. Mr. Bossio reported that there were no action items to forward to the full Board.

Mrs. Hansohn thanked Mr. Coates for sitting in for her.

See Attachment #5 for details of meeting.

PUBLIC SAFETY COMMITTEE/MAY 20, 2004/8:30 A.M.

Mr. Chase reported that the Committee met and had no action items to forward to the full Board.

Mr. Bossio informed the Board that the Fire and Rescue Summit was held on May 22, and Mr. Nixon was in attendance. He said the summit was very productive, with discussions centering around roles and responsibilities, funding, and numerous issues before the County regarding future Fire and EMS.

Mr. Nixon stated that the consensus coming from the group was that it would be beneficial for the Association to have office space and an administrative assistant to handle day-to-day operations.

Mr. Bossio stated that staff would work through the Committee to develop proposals from the Fire and Rescue Summit and bring them back to the Board for consideration.

See Attachment #6 for details of meeting.

TOWN/COUNTY INTERACTION COMMITTEE/MAY 26, 2004/7:30 A.M.

Mr. Chase reported that the Town/County Interaction Committee met and discussed the E-9-1-1 Joint Records Center Agreement at length and decided no changes were necessary. He said the Committee also discussed the necessity for an independent attorney for the Joint Board of Building Code Appeals and agreed to bring it to the full Board for discussion.

Mr. Maddox explained that a question arose recently regarding the necessity for a separate attorney in defending an appeal before the Joint Board of Building Code Appeals when the County Attorney would be representing the County and the Town Attorney would be representing the Town. He said he discussed this with the Town Attorney, the Chairman and members of the Joint Board, and everyone was in concurrence that a third-party attorney would be needed. He estimated that it would cost approximately \$1,000 to \$1,500 per year.

Mr. Chase stated that the County Attorney should represent the Building Official during the appeal process. Mr. Maddox stated that he disagreed even though it would be possible. He said when he was representing the Building Official on appeals, the Joint Board should not look to him for guidance because he did not represent them. He felt that the Joint Board should be able to have their questions answered by separate counsel. He pointed out that the only outstanding item in the bylaws was whether the Joint Board should have a separate attorney and how that attorney should be handled.

Mr. Nixon stated he was present at the Town/County Interaction Committee meeting and it was his understanding that the group felt that there would be an independent counsel in matters when the County Attorney or the Town Attorney would be in conflict, and if there were a Town appeal, the Town would pay for that attorney, and if it were a County appeal, the County would pay for that attorney.

Mr. Walker stated there was a motion to forward the proposed suggested language change in the bylaws to the respective governing bodies which stated that the County Attorney or Town Attorney may engage outside, private counsel to represent the Board and any expense associated with such representation would be borne by each respective jurisdiction. He said that would be different from Mr. Maddox's suggestion that the Joint Board should have an attorney available to them at all times to assist them and answer questions.

Mr. Maddox agreed that was his suggestion. He said it appeared to him that what was contemplated by the Joint Board was that when there was an appeal, the procedure suggested would be followed, but the Joint Board had not considered what it would do when legal questions arose during regular business meeting.

Mr. Walker stated that the Interaction Committee discussed the issue and came to the conclusion that the only time there would be a need for outside counsel was during an appeal against the Town or against the County, and then they would ask for an outside attorney.

Mr. Maddox stated he would only express his preference and that was that the Joint Board have an attorney on call at any time they had questions or needed legal advice.

Mr. Nixon moved, seconded by Mr. Walker, to amend the bylaws of the Joint Board of Building Code Appeals to reflect the language change.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

See Attachment #7 for details of meeting.

ECONOMIC DEVELOPMENT REPORT

Carl Sachs, Economic Development Director, provided the following information:

1. A report of the Department of Economic Development on its accomplishments during the past two years.
2. A report on the Germanna Community College's Center for Advanced Technology listing its proposed programs to be offered now and those anticipated after the Center opens.
3. A listing of Small Business Workshops sponsored by the Culpeper County Chamber of Commerce, Culpeper Renaissance, Inc., and the Culpeper County Department of Economic Development. Economic Development is funding these courses in an effort to provide information to local small businesses that would be useful in their operations. He said this was just the first phase, and future courses will be offered if these are successful. Classes will be taught by Germanna Community College and held at the Depot, with the exception of Quick Books that would be at the High School in the computer lab.

Mrs. Hansohn asked several questions regarding funding and composition of the workshops. Mr. Sachs explained that funds were provided in his budget for small business development and these workshops would cost approximately \$8,000 and participants would pay a \$10 materials charge plus any textbooks required. He said that Germanna was providing the courses at a reasonable cost. He added that the courses would be for Culpeper businesses but would be expanded to nonbusiness people if space were available.

Mrs. Hansohn expressed her concern that the Economic Development Department was paying for courses that students could probably pay for themselves. Mr. Sachs explained that money had been budgeted for assistance to small businesses and, at one time, there had been a Small Business Specialist, but when he retired the position was not filled. He said that the courses were a result of two surveys to small businesses asking what types of services they would like to have offered, and when they indicated specific training was the highest priority, a list of courses was developed in line with their preferences.

Mrs. Hansohn asked about the County's partnership with Lord Fairfax College and its small business program funded by the State. Mr. Sachs replied that he did have a

relationship with Lord Fairfax, and its Small Business Development Center would be offering some courses in the future, but Germanna would be offering the first round of courses.

AIRPORT ADVISORY COMMITTEE

Mr. Bossio reported that the Airport Advisory Committee met, and there were no action items to be forwarded to the full Board.

ADMINISTRATOR'S REPORT

Mr. Bossio presented the following Administrator's Report:

1. Discussion of Board retreat with staff and Planning Commission. Possible dates are needed in order to plan a Board retreat with staff and the Planning Commission to provide input into the revision of the Comprehensive Plan.

Mrs. Hansohn agreed it was a good idea to get the Board and Planning Commission together to provide ideas and to ensure that everyone was on the same page from the beginning of the process.

Mr. Egertson stated that the Planning Commission had expressed its willingness to meet with the Board to provide assistance as the new document was being drafted. He said he was aware of the parts of the Plan that required revision, but he would like to have the thoughts of the Board and the Planning Commission to ensure they were in agreement.

Mr. Nixon asked how the process worked in the past. Mr. Egertson replied that the staff had provided an initial draft to the Planning Commission and numerous public hearings were held before a complete draft was forwarded to the Board for its input. Mr. Nixon asked if a series of workshops would be needed. Mr. Egertson stated that he felt a two-day retreat with discussions would start the process.

Mr. Nixon asked about the County's obligation regarding the time frame. Mr. Egertson stated that 2004 would be the five-year mark, and the County was already compliant with the law because the Plan was under review, but he hoped to have it completed before the end of the year. He said that staff was presently updating the demographics, employment figures and simple data in the first 12 chapters, but the last four chapters on future land use and the village center concept would require input from the Board and the Planning Commission. He said he would be giving the Planning Commission six chapters next week in draft form and then six more chapters either in July or August, but he would like to schedule a retreat sometime in June, but no later than July.

Mr. Bossio pointed out that the Comprehensive Plan would not be the only topic on the agenda for discussion, but other items would be included such as the future vision of the Board.

Mr. Coates asked whether an evening meeting and one day meeting would be adequate. Mr. Egertson stated that would depend upon how the discussion flowed, but future meetings could be scheduled if necessary. He said he had not had the opportunity to confer with Mr. Bossio regarding an agenda, but his plan was to present the individual chapters one-by-one, as well as his thinking on the major changes in the Plan, and then have a whole day for the Board and the Planning Commission to work on the concept.

Mrs. Hansohn suggested that Mr. Bossio check with both bodies regarding dates, times, and meeting places. Mr. Bossio agreed and asked if the Board preferred to meet outside the County building. Mr. Chase expressed his desire to meet inside the County building since it would save the taxpayers money. Mrs. Hansohn indicated there were many "free" places to hold a meeting and she felt the layout of the Board room was not conducive to a joint meeting with the Planning Commission.

Mr. Coates stated that staff could work out the details and ensure there was adequate space for approximately 30 people. Mr. Bossio agreed.

2. Little Fork Rescue Square received the Emergency Medical Services (EMS) Agency of the Year Award, presented by the Rappahannock Emergency Medical Services Council (REMS), which is a noteworthy accomplishment deserving the Board's attention.

3. Ground Breaking Ceremony at the Technology Center is scheduled for June 2, 2004 at 3:30 p.m. The Governor is scheduled to be at the Career Partners' class at the High School Auditorium at 2:00 p.m., and all Board members are invited to that session.

Mr. Coates stated that the ground breaking ceremony for the Tech Center was a history-making moment in the County and urged all of the Board members to attend.

4. The County, Town and School have provided a joint float for the Fourth of July Parade and direction from the Board was needed as to whether or not it wanted to participate this year. Mr. Coates directed the County Administrator to get together with the Town Manager and Superintendent of Schools and make the decision.

CLOSED SESSION

Mr. Maddox stated the motions for Items #11, 12, and 13 were identical, although they covered three different specific negotiations of contracts. He suggested that Mr.

Walker read #11, and indicate that #12 was exactly the same as #11 and #13 was exactly the same as #11, so that he would not have to repeat them.

Mr. Walker moved that the Board enter into closed session, as permitted under the following *Virginia Code* sections and for the following reasons:

1. Under *Virginia Code* § 2.2-3711(A)(1) to discuss: (A) Performance issues relating to specific County employees, and (B) consideration of salary adjustments for certain County employees.

2. Under *Virginia Code* § 2.2-3711(A)(1), to consider: (A) Prospective candidates for two new members to the Public Transportation Advisory Committee, (B) prospective reappointment for the Economic Development Advisory Committee, (C) resignation of appointee to the Workforce Investment Board, and (D) consider appointment to Rappahannock Emergency Medical Services Council Board of Directors.

3. Under *Virginia Code* § 2.2-3711(A)(1), to consider specific personnel matters regarding a specific County Agency.

4. Under *Virginia Code* § 2.2-3711(A)(1) to discuss the evaluation of a specific public agency where such evaluation will necessarily involve discussion of the performance of specific individuals.

5. Under *Virginia Code* § 2.2-3711(A)(3), to discuss consideration of the disposition of publicly held real property.

6. Under *Virginia Code* § 2.2-3711(A)(3), to discuss consideration of the acquisition of real property for a public purpose.

7. Under *Virginia Code* § 2.2-3711(A)(7), to consult with the County Attorney to consider probable litigation by non-employees.

8. Under *Virginia Code* § 2.2-3711(A)(7), to discuss with the County Attorney probable litigation by non-employees.

9. Under *Virginia Code* § 2.2-3711(A)(7), to consult with the County Attorney to consider litigation relating to land use of specific property.

10. Under *Virginia Code* § 2.2-3711(A)(7) and (A)(30), to consult with the County Attorney regarding specific legal matters requiring the provision of legal advice by such attorney and to discuss the award of a public contract involving the expenditure of public funds, where discussion in open session would adversely affect the bargaining position or negotiating strategy of the public body.

11. Under *Virginia Code* § 2.2-3711(A)(30), to consult with the County Attorney regarding specific legal matters requiring the provision of legal advice by such attorney and to discuss the terms and conditions of a public contract involving the expenditure of public funds, where discussion in open session would adversely affect the bargaining position or negotiating strategy of the public body.

12. Under *Virginia Code* § 2.2-3711(A)(30), to consult with the County Attorney regarding specific legal matters requiring the provision of legal advice by such attorney and to discuss the terms and conditions of a public contract involving the expenditure of public funds, where discussion in open session would adversely affect the bargaining position or negotiating strategy of the public body.

13. Under *Virginia Code* § 2.2-3711(A)(30), to consult with the County Attorney regarding specific legal matters requiring the provision of legal advice by such attorney and to discuss the terms and conditions of a public contract involving the expenditure of public funds, where discussion in open session would adversely affect the bargaining position or negotiating strategy of the public body.

Mrs. Hansohn seconded.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Nay - Chase

Motion carried 6 to 1.

Mr. Coates recessed the meeting at 12:20 p.m. for lunch break.

The Board entered into closed session at 1:30 p.m.

The Board returned to open session at 4:50 p.m.

Mr. Coates polled the members of the Board regarding the closed session held. He asked the individual Board members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Mr. Coates asked that the record show that Mr. Chase left during the closed session.

Ayes - Walker, Lee, Coates, Nixon, Rosenberger, Hansohn

RE: RENEWAL OF COUNTY ADMINISTRATOR'S CONTRACT

Mr. Walker moved, seconded by Mr. Lee, to renew the County Administrator's

employment contract.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

RE: RENEWAL OF COUNTY ATTORNEY'S CONTRACT

Mr. Walker moved, seconded by Mr. Lee, to renew the County Attorney's employment contract.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

RE: APPOINTMENT TO PUBLIC TRANSPORTATION ADVISORY COMMITTEE

Mr. Walker moved, seconded by Mr. Nixon, to appoint Joseph N. Todd, Jr., to the Public Transportation Advisory Committee.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

RE: REAPPOINTMENT TO ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

Mr. Walker moved, seconded by Mr. Lee, to reappoint Roger C. White to the Economic Development Advisory Committee.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

RE: ACCEPT RESIGNATION FROM WORKFORCE INVESTMENT BOARD

Mr. Walker moved, seconded by Mr. Lee, to regretfully accept Jeff Hoots' resignation from the Workforce Investment Board.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

RE: FORMER TOWN HALL

Mr. Walker moved, seconded by Mr. Nixon, to authorize the County Administrator to negotiate the lease agreement as per letter regarding the former Town Office Hall and property located at 118 West Davis Street.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

RE: JOSH COLVIN'S CLAIM

Mr. Walker moved, seconded by Mr. Lee, to deny the claim made by Josh Colvin.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

RE: RENEWAL OF VPDES PERMIT

Mr. Walker moved, seconded by Mr. Nixon, to renew the VPDES discharge permit for the water treatment plan on Mountain Run.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

ADJOURNMENT

Mr. Nixon moved, seconded by Mrs. Hansohn, to adjourn at 4:55 p.m.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

Peggy S. Crane, CMC
Deputy Clerk

John F. Coates, Chairman

ATTEST:

Frank T. Bossio
Clerk of the Board

APPROVED: July 6, 2004

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, JUNE 1, 2004.

Board Members Present: ***John F. Coates, Chairman***
 Steven L. Walker, Vice-Chairman
 William C. Chase, Jr.
 Sue D. Hansohn
 James C. Lee
 Steven E. Nixon
 Brad C. Rosenberger

Staff Present: Frank T. Bossio, County Administrator
 J. David Maddox, County Attorney
 John C. Egertson, Planning Director
 Sam McLearen, Zoning Administrator
 Peggy S. Crane, Deputy Clerk

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 7:00 p.m.

CITIZEN FORUM

Mr. Coates opened the Citizen Forum and called for comments on any item that was not on the agenda.

Don Webb, Jefferson District, suggested to the Board that a quarterly report on the activities of the Board of Supervisors and the Planning Commission be included in the County's newsletter as a means of improving communications between citizens and County government.

Aaron Greso, West Fairfax District, distributed a copy of an article dated April 24, 2004 from *The Washington Post* entitled Real Estate Mailbag regarding the lack of industrial infrastructure. He suggested that commercial property could be used for housing on a temporary basis, if there were an appropriate structure with indoor plumbing, etc. He said a

permit could be issued to offset the equivalent tax assessment, and the property would remain industrial property when it became unoccupied.

Jack Sizemore, Salem District, thanked the members of the Board who attended the open house at the National Ground Intelligence Center. He also thanked the State and local law enforcement people who provided insight into their activities and hoped that law enforcement could be provided with some assistance in the long term.

Bill Zierden, Cedar Mountain District and employee of the Culpeper County Public Schools, started to speak on the appropriation of funds for the School System, but Mr. Coates asked him to delay his comments until the public hearing later on the agenda.

With no further comments, Mr. Coates closed the public hearing.

RE: AGENDA ADDITIONS AND/OR DELETIONS

Mr. Bossio asked that item 5a. **REQUEST TO DISCHARGE FIREWORKS** be added to the agenda under **GENERAL COUNTY BUSINESS**.

Mr. Walker moved, seconded by Mr. Lee, to approve the agenda as amended.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

THE BOARD WILL RECEIVE PUBLIC COMMENTS AND CONSIDER BUDGET AMENDMENTS TO FY 04 HUMAN SERVICES BUDGET AND FY 04 CULPEPER YOUTH NETWORK BUDGET

Mr. Bossio explained a public hearing was necessary to receive comments and consider amendments to the FY 04 Human Services budget for additional State funding received in the amount of \$830,311 and a FY 04 budget amendment for additional Comprehensive Services Act funding of \$380,000.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Nixon moved, seconded by Mr. Lee, to amend the budget to reflect the changes in the FY 04 Human Services and Culpeper Youth Network budgets.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

THE BOARD WILL RECEIVE PUBLIC COMMENTS AND CONSIDER FY 05 BUDGET AMENDMENTS TO REFLECT STATE REVENUE RECEIVED FROM THE STATE FOR EDUCATION

Mr. Bossio informed the Board that when the FY 05 budget had been approved, the amount of State funding for the schools was unknown, but it was anticipated that the Governor's budget would contain \$1.7 million for the schools. He noted when the budget figure was received from the State after May 15, the amount was \$3,374,393. He outlined the School System's proposed use for these funds in a slide presentation, which listed the various categories of funding, such as instruction, administration, attendance and health, pupil transportation, operation and maintenance, school food services and other noninstructional operations, facilities, and debt and fund transfers,

Mr. Bossio explained that the hiring of teachers was a critical issue to Dr. Cox and the School Board for a number of reasons, the most important of which were the regulations that govern the process for local agreements and the deadlines and time lines for interviewing and hiring new teachers, and for current teachers seeking employment with other school divisions.

Mr. Bossio displayed the breakout by category for the FY 05 Budget totaling \$5,466,252 of which \$3,374,393 were State funds, \$23,000 Federal funds, and approximately \$2.1 million allocated by the County. He noted that employee raises in the new budget had been cut by half a million dollars from \$2,595,802 to \$2,090,943. He reviewed staffing priorities and explained that 23.6 positions, totaling \$1,211,308 including benefits, would be assigned to the elementary, middle and high schools. He explained the process used to determine competitive salaries for Culpeper County and noted that Fauquier County salaries were used for comparison.

Dr. David Cox, Superintendent of Schools, spoke as a resident of Culpeper County and the parent of two children attending Culpeper County public schools and asked that the Board of Supervisors appropriate the School operating budget in its entirety. He cited the Joint Legislative Audit Review Commission's two-year study, which reported its findings almost three years ago that found public education was under funded in the Commonwealth by more than \$2 billion per biennium compared to the State standards of quality. He said this led the General Assembly to significantly increase its support for the operating budget of local school divisions. He recalled that when the Board of Supervisors considered the tax rate last month, it decided to act only on County funding and to consider State funding when it was determined.

Dr. Cox stated that when Senator Edd Houck notified him that Culpeper County public schools would receive an additional \$3.4 million in new State operating funds, twice the amount in the Governor's proposed budget, the task changed from cutting just over \$3 million to balance the school budget to adding an infusion to the Schools' operating funds to help meet State and Federal requirements and to address the additional challenges of new student growth of approximately 200–250 new students per year. He explained that the School Division had

proceeded in good faith to issue more than 630 contracts and letters of intent to returning employees and to new hires. He stated the new positions were aimed directly at increasing opportunities for students and keeping the class size at 20:1 in grades K-5 and 25:1 in grades 6-12. He said it was encouraging that progress was being made toward building a new high school, but attention must be given to the important business of teaching and learning that takes place in the County's schools every day. He asked the Board to place the needs of the County's future as its highest priority.

Mr. Coates opened the public hearing and called for public comments.

Bill Zierden, Cedar Mountain District and Principal of Culpeper Middle School, reiterated Dr. Cox's remarks and emphasized the importance of attracting and maintaining quality teachers and paying them competitive salaries.

Wyatt Hypes, Salem District and Culpeper County Education Association President, spoke at length on the proper allocation of State funding for the School System for operational public education. He stated that he did not believe it was the intent of the State to reassign the State monies to a building fund, even though new schools were required. He stressed that teaching positions were needed to keep the teacher-student ratios low and urged that the Board not reassign the funds received from the State.

Sue Bridges, West Fairfax District and A. G. Richardson Principal, addressed the Board on the importance of having additional teaching positions in the FY 05 budget in order to keep class sizes within reasonable limits and to retain the excellent teachers already in the system. She provided details on the population in the subdivisions in the vicinity of A. G. Richardson School and the result of increased enrollment on the teacher-pupil ratio. She urged the Board to appropriate the full State allocation to the School System's operating budget.

Russell Houck, Cedar Mountain District and Sycamore Park Elementary Principal, discussed in detail the various stresses placed on school personnel, such as the Standards of Learning requirements, the "No Child Left Behind" legislation, before and after school programs, maintenance of job qualifications through professional development, security in the schools, mandated paperwork, additional students per class, and the increase in the cost of living. He asked the Board to either improve the working conditions or provide higher salaries, but he hoped they would do both.

Michael McKenna, East Fairfax District, parent, taxpayer, and teacher, stated that the teacher-to-student ratio in his class was 27:1. He pointed out that he had a Master's Degree in History and one in Education, and he was paid \$1,000 less than a teacher in Fauquier County with a Master's Degree. He asked the Board members where they were at 2:00 p.m. today

when he was standing outside of the Middle School in the rain as several hundred students crossed to the High School. He said that the students should not suffer because the County might withhold some of the funds provided by the State.

Stephanie Britches, resident of Lakeview of Culpeper Subdivision, expressed her concern as a parent of two students at A. G. Richardson School regarding the size of the classes and that her children's classrooms had grow by at least 10 percent in one year. She agreed that a new elementary school was needed and asked that all of the funds allocated by the State be applied to the operating budget for new teaching positions, teachers' merit increases, and school operating expenses.

Annemarie Steimel, Jefferson District, stated she currently had seven children in the School System at all three levels, and she felt that the teachers were underpaid with no incentive to remain or to attract new teachers. She stated that the environment at the high school was very stressful because of the crowded conditions. She urged the Board to pay the teachers what they were worth and not take away any more money from the School budget.

Michael Gray, East Fairfax District, spoke on behalf of his four grandchildren in Sycamore Park Elementary and commended the School System on the classroom size and caring teachers who provided a quality education to the students, in comparison to their former schools in Florida. He also spoke on behalf of his stepson who applied for a position at Culpeper County High School as a science teacher, but turned it down because of the large pay cut he would have had to take. He asked the Board to consider these two points very carefully when appropriating the money for the schools.

Jennifer McCauley, Salem District, expressed her concern for her children and the other 6,499 children who attended County schools. She noted that over 7,400 people, including employees and students, were directly affected by the conditions of the schools and lack of funds. She said she could think of no better investment in the future than in the children.

Jeff Hoots, East Fairfax District and teacher, stated that he was leaving after four years of hard work and dedication to the children of the Culpeper County. He challenged the Board to communicate with the School Board and work together to put the children first. He noted that he always heard at tax time that the Board could not raise taxes because it would hurt the retired and fixed income people in the community. He pointed out that there were tax relief programs available to those with low incomes and asked the Board not to allow 5 percent of the population affect its decision making on how to fund the schools because the children would become future teachers, leaders, workers, and employees in the County's workforce.

Elizabeth Hutchins, Cedar Mountain District and School Board Vice Chairman, said she was speaking as a taxpayer and parent of one child in the Culpeper system and one who had graduated. She stated that there was the perception that the School System employed many of the people who had spoken tonight and, therefore, their remarks should be discounted. She pointed out the speakers were taxpayers and citizens the Board represented and they had children in the system. She noted that she had been the lone dissenter on the school budget that passed, but it was not because she thought the School Board was spending too much money; it was because there were too many needs to be addressed. She said the School budget, with the additional funds from the State, was a beginning in bringing teachers' salaries to a competitive level position to hopefully stop their mass exodus. She agreed that classroom space was a problem, and the School Board was doing everything possible to address that issue, but teachers were needed to teach the students. She stated that communications between the School Board and the Board of Supervisors had greatly improved over the last two years, and many of the Supervisors had attended meetings of the Redistricting Committee and the Oversight Committee and learned of the many struggles that the School Board faced daily. She asked that the Board vote to give the School Board the additional funds that the State had appropriated.

With no further comments, Mr. Coates closed the public hearing.

Mr. Lee stated for public information that the County had the highest tax relief for the elderly that was permitted by the Commonwealth of Virginia.

Mr. Lee moved, seconded by Mr. Walker, to approve the amendment to the budget according to the revenue provided by the State for the education program.

Mr. Chase questioned how the Schools could accommodate additional teachers since there were already teachers pushing carts up/down the halls because they did not have classrooms. Dr. Cox explained that there were approximately 24 teachers at the high school referred to as "roaming teachers", which meant they were not assigned to an exclusive classroom and did not have an office area. He added that of the 23 new positions, five were for the high school. Mr. Chase asked whether there were roaming teachers in the other schools. Dr. Cox replied that each teacher in the elementary schools was assigned to a specific room with 20 students, but at the middle school and high school, a teacher may or may not use that same classroom all day.

Mr. Chase and Dr. Cox discussed the Administrative Intern positions and the roles of the Assistant Principals.

Mr. Walker asked Dr. Cox what plans were being made to address the space issue. Dr. Cox stated that there were no plans within the operating budget for additional space. Mr. Walker asked whether County funds would be transferred into capital funds. Dr. Cox stated that could occur if there were sufficient funding for both, but space had been addressed in the School CIP.

Mr. Walker asked specifically whether Dr. Cox had “maneuvered” funds into the CIP as a result of receiving additional funding from the State. Dr. Cox stated that no funds had been taken from the operating budget and put into the CIP. Mr. Walker pointed out that Dr. Cox was using the term “operating budget” but County funds go into the capital budget. Dr. Cox stated the operating budget as he was referring to it, even with the additional state revenues, was adopted by the School Board for operating the schools was still short \$1.4 million for the needs identified by the School Board.

Mr. Nixon asked whether the CIP budget was separate from the School-operating budget. Dr. Cox confirmed they were separate budgets. Mr. Nixon asked whether all of the State funds received would go toward the operating budget and that no allowances were made for the CIP. Dr. Cox stated that allowances had been made for the CIP when it was delivered to the Planning Commission in December and at that time the plan called for additional portables to address the space issue and also to refurbish, but that was a separate consideration from the operating budget.

Mr. Nixon stated that he was very supportive of the School System and he was aware that the overcrowding issue had to be addressed, but the Board needed to balance the needs of the Fire and Rescue Departments, and other County services, with a limited amount of money. He felt that when the additional money was received from the State, perhaps some could be reallocated to offset future tax increases for school construction.

Dr. Cox replied that the School System did not regard the State funds as extra money, but money that was dedicated to the operation of the schools by the General Assembly since it recognized that the operation of public education, curriculum and instruction, had been under funded by \$2 billion each biennium.

Mr. Nixon pointed out that without funds available for the inner building or the high school, the County would probably need to raise the tax rate to approximately \$1.10, and the taxpayers would begin to complain.

At this point in the discussion, Michael McKenna, who had spoken earlier erupted and began to shout at the Board. Mr. Coates called Mr. McKenna out of order.

The discussion continued between Mr. Nixon and Dr. Cox regarding teachers' salaries, classroom space, roaming teachers, and building new schools.

Barton Hitchcock, School Board member, asked to address Mr. Nixon's comments. Board. Mr. Coates agreed.

Ms. Hitchcock stated that the School Board had shifted funds to renovate a small area in the high school in order to gain classroom space. Dr. Cox noted that capital funds had been used for those renovations.

Mrs. Hansohn expressed her gratitude that additional funds had been received from the State. She said the Board had worked hard for two years to ensure that adequate State funding was provided, to ensure that a new school would be built and had agreed to spend tax money that had been put aside in order to pay for the new interim building. She assured the group that the Board would continue to work hard to ensure adequate funding for the schools.

Mr. McKenna again interrupted the meeting and shouted while Mr. Coates called for order several times and asked that he be seated. There was an exchange of words between Mr. Chase and Mr. McKenna, and Mr. McKenna left the meeting.

Mr. Nixon stated these types of outbursts did not contribute to the discussion and assured everyone that the members of the Board had dedicated themselves in trying to solve the problems of the School System. Mr. Chase apologized to the entire School System for reacting to Mr. McKenna's outburst. Mr. Rosenberger pointed out that many times individuals addressed the Board on controversial issues and the School System was the focus at the present meeting. He noted that individuals may disagree with the Board from time to time, but the Board was trying to do the best job it could in order to balance the available funds.

Mr. Coates apologized, on behalf of the Board, to those in attendance and those watching Channel 21 and explained that this was an emotional time for all concerned. He stated that a considerable amount of time had been spent in budget discussions and decisions, and he felt that a couple of cents should be set aside for new school construction. He said he would not support the motion.

Mr. Coates called for voice vote and then a show of hands.

Ayes - Lee, Rosenberger, Walker

Nays - Chase, Coates, Hansohn, Nixon

Motion failed 4 to 3.

Mr. Lee pointed out that the Board had approved the budget amendment but there was a difference between an appropriation and a budget. He said the motion was to receive the State

money and put it into the budget, but the County still had to appropriate the funds to the School System and to other County services.

Mr. Maddox agreed with Mr. Lee's analysis and stated that the proper phraseology should be used and he recommended that the motion be restated as a budget motion.

Mr. Rosenberger pointed out that the motion would need to be made by a member of the Board other than the member who made the original motion.

Mr. Walker moved, seconded by Mr. Lee, to amend the FY 05 Budget to reflect State revenues received from the State for education.

Mr. Chase stated that it would take someone from the prevailing side to make the motion.

Mr. Walker withdrew his motion.

Mrs. Hansohn moved, seconded by Mr. Lee, to receive the budget funds from the State for the County budget.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Coates recessed the meeting at 8:30 p.m.

Mr. Coates called the meeting back to order at 8:45 p.m.

Mr. Coates announced that the budget had been amended to accept the State funds.

THE BOARD WILL RECEIVE PUBLIC COMMENTS AND CONSIDER AMENDING CHAPTER 12 (TAXATION) OF THE COUNTY CODE TO CREATE A FIRE AND RESCUE TAX DISTRICT FOR THE PURPOSE OF REAL AND PERSONAL PROPERTY TAX LEVIES TO SUPPORT FIRE AND RESCUE OPERATIONS IN THE DISTRICT

Mr. Maddox informed the Board that the proposed Ordinance would create a Fire and Rescue Service District Tax and define the entire County as a Fire and Rescue District. He stated that the budget adopted previously designated 7 cents to be allotted to the Fire and Rescue companies within the District.

Mr. Coates opened the public hearing and called for public comments.

Jack Frazier, Salem District, expressed his concern regarding new taxes being levied on the citizens. He asked whether it would be a new tax or levied through the general budget.

Mr. Maddox explained that the tax would be levied as a separate tax so that citizens would know how much was going to fire and rescue operations, but the tax was included in the overall tax rate. He stated it would be more efficient to allocate the funds to the Fire and Rescue Association, who in turn would appropriate it to the various fire and rescue companies.

With no further comments, Mr. Coates closed the public hearing.

Mr. Walker moved, seconded by Mr. Lee, to accept the Fire and Rescue Service District Tax Ordinance as presented.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

THE BOARD WILL RECEIVE PUBLIC COMMENTS AND CONSIDER THE SALE OF PROPERTY IN THE CULPEPER COUNTY INDUSTRIAL AIRPARK

Carl Sachs, Economic Development Director, informed the Board that the County had received a proposal from Christopher Johnson to purchase a small parcel of land (Parcel 15) in the Culpeper Industrial Airpark. He said that Mr. Johnson had a specialized woodworking business dealing with Tiger Maple, and he planned to build a 15,000 square foot manufacturing operation. He stated that Mr. Johnson had offered \$52,050 for the parcel, which contained 3.47 acres, or \$15,000 per acre. He recommended that the Board approve the sales agreement.

Mr. Coates asked for a description of the parcel. Mr. Sachs stated that Parcel 15 was the smallest remaining parcel in the Culpeper Industrial Park and there would be no room for expansion since there were lots on both sides of the parcel. He said it was a heavily wooded lot and had some terrain issues to be dealt with. He noted that the County retained a 50-foot entryway into Parcel 17, to avoid being landlocked.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mr. Lee, to approve the sale of Parcel 15 in the Industrial Airpark to Christopher Johnson.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

GENERAL COUNTY BUSINESS

RE: APPROPRIATION REVOLUTION FOR FISCAL YEAR 2004-2005

Mr. Bossio stated that the Appropriation Resolution for fiscal year 2004-2005 was amended to reflect the dollars received from the State for the School System, and it was ready for the Board's consideration.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Lee moved, seconded by Mr. Walker, to approve the resolution for the total estimate of revenues of \$95,639,265 and total expenditures of \$95,639,265.

Mr. Coates called for voice vote and then a show of hands.

Ayes - Lee, Rosenberger, Walker

Nays - Chase, Coates, Hansohn, Nixon

Motion failed 4 to 3.

Mr. Chase moved to earmark \$500,000 of the local money for the Capital Improvement Program. Mr. Nixon seconded for discussion purposes.

Mr. Nixon stated that he agreed with Mr. Chase that perhaps some of the money should be earmarked for future school construction and/or the interim building, but after hearing the passionate pleas presented during the public hearing, he would agree to set aside one cent.

Mrs. Hansohn asked whether the motion involved the \$3.4 million from the State. Mr. Chase stated only local funds were involved.

Mr. Coates asked Mr. Chase to restate his motion.

Mr. Chase stated his motion was to put \$500,000 of the local funds into the School CIP.

Mr. Coates called for voice vote and then a show of hands.

Ayes - Chase, Coates, Hansohn, Nixon

Nays - Lee, Rosenberger, Walker

Motion passed 4 to 3.

Mr. Coates asked Mr. Chase if the intention of his motion to appropriate the entire budget. Mr. Chase stated that was correct, the rest of the budget was fine.

Mr. Coates recessed the meeting at 9:00 p.m.

Mr. Coates called the meeting back to order at 9:01 p.m.

RE; REQUEST TO DISCHARGE FIREWORKS

Mr. Bossio informed the Board that a request had been received from the Inn at Kelley's Ford to discharge fireworks on July 4th. He said staff and the Sheriff's Department had reviewed the request, and it was ready for the Board's consideration.

Mrs. Hansohn moved, seconded by Mr. Walker, to approve the request.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

PLANNING COMMISSION BUSINESS

UNFINISHED PLANNING COMMISSION BUSINESS

CASE NO. U-2050-04-1. Request by the County of Culpeper for approval of a use permit for the installation of a public safety communication tower approximately 190 feet in height. The property is located on Route 729 in the Catalpa Magisterial District and contains 3.00 acres. Tax Map/Parcel No. 41/13A.

John Egertson, Planning Director, displayed a tax map highlighting the location of the proposed tower at the same location as the proposed site for the new Emergency Operations Center (EOC). He stated that the case had been postponed at the Board's March 2 meeting due to uncertainty regarding the required height of the tower. He noted that the Planning Commission had recommended approval of the monopole at a height of 150 feet, but the final request was for 190 feet.

Alan Culpeper, Procurement Director, requested approval for a use permit for the construction of a 190-foot monopole tower at the County's new EOC. He said the primary purpose of the tower would be to provide connection of the microwave link and a loop configuration with the other towers.

Mr. Chase asked whether an elevation study had been done. Mr. Culpeper stated that the paperwork had been submitted to the FAA for a 190-foot tower and it had been approved with no light required on the pole. He said the radio consultant had recommended the height of the pole.

Mr. Coates opened the public hearing and called for public comments.

There were no public comments, and Mr. Coates closed the public hearing.

Mrs. Hansohn moved, seconded by Mr. Lee, to approve the use permit for the public safety tower as recommended by the Planning Commission.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Nay - Chase

Motion carried 6 to 1.

NEW PLANNING COMMISSION BUSINESS

STONE RIDGE – 54 LOT SUBDIVISION. Request by Broadland Realty, LLC for approval of a 54-lot subdivision. The property is located on Routes 29 and 718 in the Salem Magisterial District and contains 176.16 acres. Tax Map/Parcel No. 39/33, and 49/2.

Sam McLearen, Zoning Administrator, informed the Board that he had received a letter from Mike Stumpo, the applicant, requesting the case be postponed for 30 days to allow the Health Department additional time to review the drainfield submission. He said that the Planning Commission had granted approval contingent upon Health Department approval.

Mr. Egertson displayed a preliminary plan highlighting the location of the property. He said that staff had no objection to the applicant's request for postponement.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Nixon moved, seconded by Mr. Walker, to approve the request for a 30-day postponement.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

WITHDRAWAL FROM THE BRANDY STATION AGRICULTURAL AND FORESTAL DISTRICT. Request by David and Charlotte Caldwell to withdraw 2.2971 acres from the Brandy Station Agricultural and Forestal District. The purpose of withdrawal is to accommodate a right-of-way dedication to VDOT for improvements to Route 711. Portions of Tax Map/Parcel Nos. 31/94, 94A and 32/18, 19.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing were held. The Planning Commission concurred with the Agricultural and Forestal District Advisory Committee and found this withdrawal from the Brandy Station Agricultural and Forestal District to be appropriate. He said the Planning Commission was recommending to the Board of Supervisors that this withdrawal request be approved.

Mr. Egertson displayed a tax map that highlighted the affected parcels in the Brandy Station Agricultural and Forestal District and the actual land to be withdrawn. He said the purpose of the withdrawal was to allow VDOT and the property owner to exchange property so that VDOT could make necessary road improvements. He noted that it would be a lengthy process should VDOT be forced to condemn land within the Agricultural and Forestal District; however, the owners were willing to voluntarily withdraw and deal with VDOT directly. He said the request was ready for the Board's consideration.

Mr. Coates opened the public hearing and called for public comments.

The applicants were not present.

Aaron Greso, West Fairfax District, inquired whether land removed from an Agricultural and Forestal District would remain out or could it be returned. Mr. Egertson replied that the withdrawal was permanent and the land being withdrawn would ultimately become VDOT right-of-way along a portion of Route 711. He noted that the entire parcel was not being removed from the Agricultural and Forestal District, just the land necessary for VDOT to complete road improvements.

With no further comments, Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mr. Walker, to approve the withdrawal from the Brandy Station Agricultural and Forestal District in accordance with the recommendation of the Planning Commission and the Agricultural and Forestal District Advisory Committee.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

WITHDRAWAL FROM THE DEATHERAGE RUN AGRICULTURAL AND FORESTAL DISTRICT. Request by David V. Lowery to withdraw 67.7 acres from the Deatherage Run Agricultural and Forestal District. The purpose of withdrawal is to create a 4.0-acre parcel for dedication to the Little Fork Volunteer Fire Department. Tax Map/Parcel No. 14/24E.

Mr. McLearn informed the Board that the Planning Commission had considered the case and a public hearing were held. The Planning Commission concurred with the Agricultural and Forestal District Advisory Committee and found this withdrawal from the Deatherage Run Agricultural and Forestal District to be appropriate. He said the Planning Commission was recommending to the Board of Supervisors that this withdrawal request be approved.

Mr. Egertson displayed a tax map that highlighted the property requested for withdrawal. He explained that the Little Fork Fire Department was currently leasing an area of this property, and the creation of a 4-acre lot would allow the Fire Department to take ownership. He stated that both the State and local Codes required an entire parcel to be removed from an Agricultural and Forestal District for the purpose of subdividing, but Mr. Lowery had already filed an application to readmit the remaining 63.7 acres to the District. He said the request was ready for the Board's consideration.

David Lowery, applicant, stated that for the last 10 years the Little Fork Fire Department had leased this property from him for \$1 per month, which he donated back to them at the end of the year. He said the company was now a proven company and it was time for them to expand. He said he agreed to donate three acres and Little Fork agreed to buy one acre, which he would deed four acres to Little Fork.

Mr. Coates opened the public hearing and called for public comments.

There were no public comments, and Mr. Coates closed the public hearing.

Mr. Rosenberger moved, seconded by Mr. Lee, to approve the withdrawal from the Deatherage Run Agricultural and Forestal District in accordance with the recommendation of the Planning Commission and the Agricultural and Forestal District Advisory Committee.

Mr. Rosenberger stated he appreciated Mr. Lowery's efforts in trying to help this company, and he admired him for his contributions. Mr. Coates stated that when this company was just a dream, he remembered that Mr. Lowery was the one who stepped forward to help make it a reality and he should be commended for it. Mr. Walker also thanked Mr. Lowery.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CARSON'S CORNER – 2 LOT SUBDIVISION. Request by Sweetwater Land Co. for approval of a 2-lot subdivision. The property is located on Route 718 in the Salem Magisterial District and contains 13.62 acres. Tax Map/Parcel No. 39/30A.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing were held. The Planning Commission found this application to be consistent with the Zoning and Subdivision Ordinances. He said the Planning Commission was recommending to the Board of Supervisors that the subdivision be approved.

Mr. Egertson displayed a preliminary plat highlighting the two lots being considered for subdivision. He said the property was zoned R-1 Residential and was originally 13.6 acres, but was subdivided using the administrative and minor division process. He noted that one of those minor division lots containing just less than 9.5 acres was being requested through the major division process to be divided into a 2.5 and 6.9-acre parcel. He said the plat carried the signatures of the reviewing agencies and was recommended for the Board's approval.

Craig Anderson, applicant, was present to answer any questions.

Mr. Coates stated he was at the Planning Commission meeting when this case was considered, and Mr. Puryear has raised some issues. Mr. Anderson stated he met with Mr. Puryear after that meeting and everything seemed to be satisfactory at the present time.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mrs. Hansohn moved, seconded by Mr. Walker, to approve the subdivision in accordance with the Planning Commission's recommendation.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

WHITE SHOP ROAD – 2 LOT SUBDIVISION. Request by Joe Kincheloe for approval of a 2-lot subdivision. The property is located on Route 603 in the Cedar Mountain Magisterial District and contains 60.12 acres. Tax Map/Parcel No. 48/89.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing were held. The Planning Commission found this application to be compliant with the Zoning and Subdivision Ordinances. He said the Planning Commission was recommending to the Board of Supervisors that the subdivision be approved.

Mr. Egertson displayed a tax map and the preliminary plan being proposed for the subdivision. He said the minor divisions had been exhausted and, for that reason, the request was being brought through the major division process. He pointed out that the two lots being considered were Lots 2 and 3, which were zoned Light Industrial and would be served by a joint entrance. He stated that the revised plat distributed to the Board prior to the meeting reflected a right-of-way dedication requested by VDOT and, as a result, the two lots now proposed would be 4.772 acres and 6.831 acres, each lot providing a small amount of acreage for the VDOT dedication. He said the plan had received both Health Department and VDOT approval, and it was ready for the Board's consideration.

Joe Kinchloe, applicant, stated he would appreciate receiving the Board's approval.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Lee moved, seconded by Mr. Chase, to accept the Planning Commission's recommendation and approve the subdivision.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RILLHURST – 43 LOT SUBDIVISION. Request by Graystone Homes, Inc. for approval of a 43-lot subdivision. The property is located off Route 633 in the Salem Magisterial District and contains 114.5 acres. Tax Map/Parcel Nos. 38/41, 41A and 38/23B (Portion).

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing were held. The Planning Commission found this application to be in compliance with the Zoning and Subdivision Ordinances. He said the Planning Commission was recommending to the Board of Supervisors that the subdivision be approved.

Mr. Egertson displayed a tax map highlighting the property being considered and a preliminary plan indicating the relationship between the proposed Phase 4 of Rillhurst and the three phases already in existence. He noted the roads constructed in this phase would interconnect Phases 1 and 3 to eliminate the length of cul-de-sac issue and provide improved circulation through the entire development. He pointed out that the plat was generally the same as one approved many years ago that had since expired. He said the applicant had voluntarily

indicated on the plat that the 35-foot setback line required on Lots 25-43, separating sections 2 and 3 from this section would be a “no disturb” area with trees providing some buffering between the older sections and the new section. He said in addition to constructing the connecting road, the applicant would upgrade Route 1035, Rillhurst Drive, which would carry the bulk of the traffic from the new development. He said the plan carried the approvals of the Health Department, VDOT and the Soil and Water Conservation District, there were no outstanding issues identified by staff, and it was recommended for the Board’s approval.

Anthony Clatterbuck, President of Graystone Homes, informed the Board that the subdivision was being developed exactly as it had been intended in the late 80's. He said there would be two entrances off Norman Road, which completed the circle, and the property was being developed in a far less density than allowable under the current zoning regulations. He stated that it was intended that the development would be in exactly the same “flavor” as the original three phases, which was one of the prettiest subdivisions in the County.

Mr. Coates opened the public hearing and called for public comments.

Larry Patton, Salem District and President of Rillhurst 3 Homeowners Association, stated he and Michael Armm, Vice President of the Association, had the opportunity to meet with Mr. Clatterbuck and felt certain that Mr. Clatterbuck intended to maintain the integrity of the existing development. He expressed his concern, however, regarding the existing condition of the roads and the increased traffic that would be generated.

Michael Armm, Salem District and Vice President of the Association, stated that Mr. Clatterbuck had done an excellent job in Rillhurst 3, but he was concerned about the condition of Alphin Lane. He stated that the road going into Rillhurst 1 would be rebuilt, but Alphin Lane would not be improved and it was not an obligation of the builder to do so. He said had provided Mr. Coates with some photographs showing the condition of the road.

Louanne Toomey, Salem District, expressed her concern regarding the condition of Alphin Lane and the traffic pattern that would be used during construction.

Jack Sizemore, resident of Phase 1 of Rillhurst Subdivision, stated that he would like to see the covenants for Phase 4 contain a condition that the residents of Phase 4 contribute to the program to maintain the identity of Rillhurst Subdivision. He invited the residents of Phase 4 to attend the public meetings held by the Homeowners Association. He also expressed concern with the condition of the roads.

Aaron Greso, West Fairfax District, stated that he lived in an Alphin Home and asked whether Graystone Homes could provide a 25-foot easement for a walkway to the Alphin Farm, which was the most beautiful farm in the County.

With no further comments, Mr. Coates closed the public hearing.

Mr. Nixon stated that he would abstain from voting on this issue for reasons on file with the Deputy Clerk.

Mr. Coates stated that he attended the Planning Commission meeting when this case was discussed and a great deal of concern was expressed regarding the condition of Alphin Lane and the increased traffic that would be generated with the development. He said he hoped VDOT would address the issue and asked if there were any plans to barricade Lake Rillhurst Road until the project was completed. Mr. Egertson stated he was not aware of any plans to that effect.

Mr. Coates felt that if the traffic could be kept on Route 1035, Rillhurst Drive, it would alleviate truck traffic. Mr. Egertson pointed out that Mr. Clatterbuck was a custom builder and people would be choosing their lots on which to build. He said for that reason, Mr. Clatterbuck would build the entire road through Phase 4 immediately to provide access to the whole Subdivision before he constructed any homes. He noted at that point, Mr. Clatterbuck would have the option to connect to Lake Rillhurst Road since it was a State road.

Mr. Coates stated that as the representative of the Salem District, he had no objection to the development, but he would like to ask that the road be barricaded until construction was completed. Mr. Egertson said he was not sure that requirement could be imposed upon Mr. Clatterbuck.

Mr. Coates asked Mr. Clatterbuck to come forward and address his concern.

Mr. Clatterbuck explained that the road design was approved in the late 1980's and sent to the State, and he had plans to upgrade the pavement in Phase 4 so that this problem would not exist in the future and that he was not opposed to barricading the street. Mr. Coates stated that it was his understanding that Mr. Clatterbuck was not going to rebuild Route 1035, Rillhurst Drive, until he had finished his development due to the damage heavy trucks would cause to that road. Mr. Clatterbuck replied that the road had been rebuilt and accepted into the State Secondary Road System.

Mr. Coates asked Mr. Egertson whether VDOT had approved the plans and understood the traffic pattern that would occur during the construction phase. Mr. Egertson assured him that VDOT had approved the plans, understood what would take place, and believed that the impact on Alphin Lane would be fairly minimal.

Mr. Coates asked for the Board's permission to write a letter to VDOT on behalf of the property owners in the subdivision to advise them that once the project was complete, he would expect the road to be overlaid. He did not believe it was prudent to improve the road until after

construction was completed.

Mr. Rosenberger stated that he would not want to upset the order of the six-year road plan. Mr. Coates pointed out that the issue was regarding maintenance and not new construction.

Mr. Lee asked whether the agenda would need to be amended in order to act upon Mr. Coates' suggestion. Mr. Maddox stated it would not be necessary to amend the agenda since the issue was part of the request that was already on the agenda.

Mr. Chase moved, seconded by Mr. Lee, to accept the Planning Commission's recommendation and approve the 43-lot subdivision.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Walker

Abstained - Nixon

Motion carried 6 to 0, with one abstention.

Mrs. Hansohn stated that she considered Mr. Coates' request as a maintenance issue and it should not involve the six-year road plan.

Mrs. Hansohn moved, seconded by Mr. Walker, to approve Mr. Coates' request to write to VDOT and ask that the road be overlaid once the project was complete.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Walker

Nay - Rosenberger

Motion carried 6 to 1.

ADJOURNMENT

Mrs. Hansohn moved, seconded by Mr. Nixon, to adjourn at 9:50 p.m. Ayes all.

Peggy S. Crane, CMC
Deputy Clerk

John F. Coates, Chairman

ATTEST:

Frank T. Bossio
Clerk of the Board

APPROVED: July 6, 2004